

AK IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number	09/928,563
Filing Date	08/13/2001
First Named Inventor	Elliot Karl Kolodner
Art Unit	2161
Examiner Name	Leroux, Etienne Pierre
Attorney Docket Number	GB920000100US1

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Notice of Appeal |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Holland + Knight LLP		
Signature	<i>Michael J. Buchenhorner</i>		
Printed name	Michael J. Buchenhorner		
Date	<i>Aug. 3, 2005</i>	Reg. No.	33,162

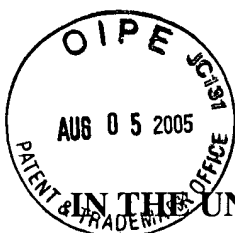
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Michael J. Buchenhorner</i>		
Typed or printed name	Michael J. Buchenhorner	Date	<i>Aug. 3, 2005</i>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/928,563
Applicant : Elliot Karl Kolodner
Filed : 08/13/2001
TC/A.U.: : 2161
Examiner : Leroux, Etienne Pierre
Docket No. : GB920000100US1
Customer No. : 34,663
For : Computer System with Two Heaps in
: Contiguous Storage

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the final rejection dated May 19, 2005, finally rejecting claims 1-3,5,6,1-0-16,18,19,23-29,31,32, and 36-39. The Commissioner is hereby authorized to charge the \$500.00 fee and any additional fees to Deposit Account No. 50-0510.

In a telephone conversation with Examiner Etienne Pierre Leroux on August 2, 2005, the undersigned was told that the above-captioned patent application was allowed based on an amendment made May 3, 2005, and that no petition for extension of time would be required for filing a document responsive to the final office action such that the application is not abandoned. Applicant has not received a notice of allowance even though PAIR appears to indicate that the status of the application is "allowed." Therefore, Applicant does not believe that any extension time is required. However, in the event that an extension of time were required, applicant petitions the Commissioner for the required extension and authorizes the Commissioner to charge the additional fees to Deposit Account No. 50-0510.

08/08/2005 MBERHE 00000024 500510 09928563

01 FC:1401 500.00 DA

Docket No. GB920000100US1

Serial No. 09/928,563

Respectfully submitted,

Michael J. Buchenhorner

Michael J. Buchenhorner

Reg. No. 33,162

Date: August 3, 2005

Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
(305) 789-7773 (voice)
(305) 789-7799 (fax)

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 3, 2005.

Michael J. Buchenhorner

Michael J. Buchenhorner

#3111870_v2